

White Cloud

Kansas Chief.

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THE CONSTITUTION AND THE UNION.

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VOLUME I.

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THE TOPEKA CONSTITUTION.

The Free State Constitution of the State of Kansas.

WE, the people of the Territory of Kansas, by our Delegates in Convention assembled at Topeka, on the 23d day of October, A. D. 1855, and of the Independence of the United States, the eighteenth year, having the right of admission into the Union as one of the United States of America, consistent with the Federal Constitution and by virtue of the treaty of cession by France to the United States of the province of Louisiana, in order to secure to ourselves and our posterity, the enjoyment of all the rights of life, liberty and property, and the free pursuit of happiness, do mutually agree with each other to form ourselves into a free and independent State, by the name and style of the STATE OF KANSAS, bounded as follows, to-wit: Beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the eastern boundary of New Mexico; thence north on said boundary to latitude thirty-eight; thence following said boundary westward to the eastern boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence north on said summit to the fortieth parallel of said latitude; thence east on said parallel to the western boundary of the State of Missouri; thence south with the western boundary of said State to the place of beginning; and do ordain and establish the following Constitution and Bill of Rights for the government thereof:

ARTICLE I.—BILLS OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.

Sec. 2. All political power is inherent in the People. Government is instituted for their equal protection and benefit; and they have the right to alter, reform or abolish the same whenever they may deem it necessary; and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the General Assembly.

Sec. 3. The people have the right to assemble together, in a peaceable manner, to consult, for their common good, to instruct their Representatives, and to petition the General Assembly for the redress of grievances.

Sec. 4. The people have the right to bear arms for their defense and security, but standing armies in times of peace are dangerous to liberty, and shall not be kept up; and the military shall be kept in strict subordination to the civil power.

Sec. 5. The right of trial by jury shall be inviolate.

Sec. 6. There shall be no slavery in this State, nor involuntary servitude, unless for the punishment of crime.

Sec. 7. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect or support any place of worship, or maintain any form of worship against his consent; and no preference shall be given by law to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification of office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

Sec. 8. The privilege of the writ of *habeas corpus* shall not be suspended, unless in case of rebellion or invasion, the public safety require it.

Sec. 9. All persons shall be bailable by sufficient securities, unless for capital offenses where the proof is evident, or the presumption great. Excessive bail shall not be required, or excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 10. Except in cases of impeachment, and cases arising in the army and navy, or in the militia, when in actual service, in time of war or public danger, and in cases of petit larceny and other inferior offenses, no person shall be held to answer for a capital or otherwise infamous crime, unless on presentment or indictment of a grand jury. In any trial, in any court, and any person accused shall be allowed to appear and defend in person, and with counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed; nor shall any person be compelled in any criminal case to be a witness against himself, or to be tried in jeopardy for the same offense.

Sec. 11. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it shall appear to the jury, that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

Sec. 12. No person shall be transported out of the State for any offense committed within the same; and no conviction shall work corruption of blood or forfeiture of estate.

Sec. 13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in a manner prescribed by law.

Sec. 14. The right of the people to be secure in their persons, houses, papers and possessions,

against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

Sec. 15. No person shall be imprisoned for debt in any civil action, or on mesne or final process, unless in case of fraud.

Sec. 16. All courts shall be open; and every person for an injury done him in his land, goods, person or reputation, shall have remedy by due course of law, and justice administered without denial or delay.

Sec. 17. No hereditary emoluments, honors or privileges shall ever be granted or conferred by this State.

Sec. 18. No power of suspending laws shall ever be exercised, except by the General Assembly.

Sec. 19. The payment of a tax shall not be a qualification for exercising the right of suffrage.

Sec. 20. Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war, or other public exigency, or for the purpose of making or repairing roads, which shall be open to the public use, without toll or other charge therefor, a compensation shall be made to the owner in money; and in all other cases where private property shall be taken for public use, a compensation therefor shall first be made in money, first secured by a deposit of money, and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner.

Sec. 21. No indenture of any negro, or mulatto, made and executed out of the bounds of the State, shall be valid within the State.

Sec. 22. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated shall remain with the people.

ARTICLE II.—ELECTIVE FRANCHISE.

SECTION 1. In all elections by the people, the vote shall be by ballot; and in all elections in the General Assembly, the vote shall be viva voce.

Sec. 2. Every white male person, and every civilized male Indian who has adopted the habits of the white man, of the age of twenty-one years and upward, who shall be at the time of offering to vote, a citizen of the United States; who shall have resided, and had his habitation, domicile, home, and place of permanent abode in the State of Kansas for six months next preceding the election at which he offers his vote; who, at such time and for thirty days immediately preceding said time, shall have had his actual habitation, domicile, home and place of abode in the county in which he offers to vote; and who shall have resided in the precinct or election district for at least ten days immediately preceding the election, shall be deemed a qualified elector at all elections under this Constitution, except at elections by general ticket in the State or district prescribed by law, in which case the elector must have the aforesaid qualifications, but a residence in said district for ten days will entitle him to vote: *Provided*, That no soldier, seaman or marine of the regular army of the United States shall be considered a resident of the State in consequence of being stationed within the same.

Sec. 3. The General Assembly shall, at its first session, provide for the registration of all qualified electors in each county, and thereafter, from time to time, of all who may become qualified electors.

Sec. 4. The Legislature shall have power to exclude from every office of honor, trust or profit, within the State, and from the right of suffrage, all persons convicted of any infamous crime.

Sec. 5. No person shall be deemed capable of holding or being elected to any post of honor, profit, trust, or emolument, civil or military, or exercise the right of suffrage under the government of this State, who shall hereafter fight a duel, send or accept a challenge to fight a duel, or who shall be a second to either party, or who shall in any manner aid or assist in such duel, or who shall be knowingly the bearer of such challenge or acceptance, whether the same occur or be committed in or out of the State.

Sec. 6. No person who may hereafter be collector or holder of public moneys shall be eligible to any office of trust or profit in the State until he shall have accounted for and paid into the proper public treasury all sums for which he may be accountable.

Sec. 7. No State officer or member of the General Assembly of this State shall receive a fee, be engaged as counsel, agent or attorney, in any case or claim against the State.

Sec. 8. No Senator or Representative shall, during the term of office for which he shall have been elected, be appointed to any civil office of profit in this State which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.

Sec. 9. All officers, civil and military, in this State, before they enter upon the duties of their respective offices, shall take the following oath or affirmation: "I—do swear (or affirm) that I will support the Constitution of the United States, and of the State of Kansas; that I am duly qualified according to the Constitution to exercise the office to which I have been elected, (or appointed,) and will, to the best of my abilities, discharge the duties thereof faithfully and impartially, according to law."

Sec. 10. Every person shall be disqualified from holding any office of honor or profit in this State, who shall have been convicted of having given or offered any bribe to procure his election, or who shall have made use of any undue influence from power, tumult, or other improper practices.

Sec. 11. All civil officers of the State shall reside within the State, and all district and county officers within their respective districts and counties, and shall have their offices at such places as may be required by law.

Sec. 12. Returns of elections for members of Congress, the General Assembly, and all other officers not otherwise provided for, shall be made

to the Secretary of State, in such manner as may be prescribed by law.

Sec. 13. Electors shall in all cases be privileged from arrest during their attendance on elections, and in going to and returning therefrom, except in case of felony, treason, and breach of the peace.

ARTICLE III.—DIVISION OF POWERS.

SECTION 1. The powers of the Government shall be divided into three separate departments—the Legislative, the Executive, including the Administrative, and the Judicial; and no person charged with official duties under one of these departments shall exercise any of the functions of another, except as in this Constitution expressly provided.

ARTICLE IV.—LEGISLATIVE.

SECTION 1. The Legislative power of this State, shall be vested in the General Assembly, which shall consist of a Senate and House of Representatives.

Sec. 2. The Senators and Representatives shall be chosen annually, by the qualified electors of the respective counties or districts for which they are chosen, on the first Monday of August, for one year, and their term of office shall commence on the first day of January next thereafter.

Sec. 3. There shall be elected at the first election, twenty Senators and sixty Representatives, and the number afterward shall be regulated by law.

Sec. 4. No person shall be eligible to the office of Senator or Representative who shall not possess the qualifications of an elector.

Sec. 5. No person holding office under the authority of the United States, or any lucrative office under the authority of this State, shall be eligible to, or hold a seat in the General Assembly; but this provision shall not extend to township officers, Justices of the Peace, Notaries Public, Post Masters, or Officers of the Militia.

Sec. 6. Each House, except as otherwise provided in this Constitution, shall choose its own officers, determine its own rules of proceeding, punish its members for disorderly conduct, and, with the concurrence of two-thirds, expel a member, but not the second time for the same cause; and shall judge of the qualifications, election and return of its own members, and shall have all other powers necessary for its safety, and the undisturbed transaction of business.

Sec. 7. Each House shall keep a journal of its proceedings, and publish the same. The yeas and nays on any question shall, at the request of two members, be entered on the journal.

Sec. 8. Any member of either House shall have the right to protest against any act or resolution thereof, and such protest and reason therefor shall, without alteration, commitment or delay, be entered on the journal.

Sec. 9. All vacancies which may occur in either House, shall, for the unexpired term, be filled by election, as shall be prescribed by law.

Sec. 10. Senators and Representative shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for words spoken in debate they shall not be questioned in any other place.

Sec. 11. A majority of all the members elected to each House shall be necessary to pass every bill or joint resolution, and all bills and joint resolutions passed shall be signed by the presiding officers of the respective Houses, and presented to the Governor for his approval.

Sec. 12. The docket of each House, and of Committees of the Whole, shall be kept open. Neither House shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two Houses shall be sitting, except for personal safety.

Sec. 13. Every bill shall be read by sections on three several days in each House, unless in case of emergency. Two-thirds of the House where such bill is pending, may, if deemed expedient, suspend the rules on a call of the yeas and nays; but the reading of a bill by sections on its final passage, shall in no case be dispensed with; and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

Sec. 14. Every act shall contain but one subject, which shall be clearly expressed in its title. Bills may originate in either House, but may be amended, amended or rejected by the other.

Sec. 15. In all cases where a general law can be made applicable, special laws shall not be enacted.

Sec. 16. No act shall ever be revived or amended by mere reference to its title; but the act revived or the section amended shall be set forth and published at full length.

Sec. 17. No act shall take effect until the same shall have been published and circulated in the counties of the State by authority, except in case of emergency, which emergency shall be declared in the preamble, or the body of the law.

Sec. 18. The election and appointment of all officers, and the filling of all vacancies not otherwise provided for by this Constitution, or the Constitution of the United States, shall be made in such manner as shall be prescribed by law; but no appointing power shall be exercised by the General Assembly, except as provided in this Constitution, and in the election of the United States Senators, and in these cases the vote shall be taken viva voce.

Sec. 19. The General Assembly shall not have power to enact laws annulling the contract of marriage in any case where, by law, the courts of this State may have power to decree a divorce.

Sec. 20. The General Assembly shall not have power to pass retro-active laws, or laws impairing the obligation of contracts, but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties and officers, by curing omissions, defects and errors in instruments, and proceedings arising out of a want of conformity with the laws of this State.

Sec. 21. The style of the laws of this State shall be: "Be it enacted by the General Assembly of the State of Kansas."

Sec. 22. The House of Representatives shall

have the sole power of impeachment. All impeachments shall be tried by the Senate, and, when sitting for the purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of all the Senators present.

Sec. 23. The Governor, and all other civil officers under the laws of this State, shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, profit or trust under this State. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment, according to law.

Sec. 24. Within one year after the ratification of this Constitution, and within every subsequent two years thereafter, for the term of ten years, an enumeration of all the white inhabitants of this State, shall be made in such manner as shall be directed by law.

Sec. 25. All regular sessions of the General Assembly shall be held at the capital of the State, and shall commence on the first Tuesday of January, annually.

Sec. 26. All bills for raising revenue shall originate in the House of Representatives subject, however, to amendment or rejection as in other cases.

Sec. 27. The members of the General Assembly shall receive for their services, the sum of four dollars per day for each and every day they are actually in attendance at any regular or special session, and four dollars for every twenty miles they shall travel in going to and returning from the place of meeting by the most usually traveled route; and no session of the General Assembly, except the first under this Constitution, shall extend beyond the term of sixty days, nor any special session more than forty days.

ARTICLE V.—EXECUTIVE.

SECTION 1. The Executive Department shall consist of a Governor, a Lieutenant Governor, Secretary of State, Treasurer, Auditor, and Attorney General, who shall be chosen by the electors of the State at the same time and place of voting for the members of the General Assembly.

Sec. 2. The Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, and State Printer, shall hold their office for two years. Their terms of office shall commence on the first Tuesday of January next after their election; and continue until their successors are elected and qualified—neither of which officers shall be eligible for re-election more than two out of three consecutive terms; nor shall any person be eligible for the office of Governor who shall not have attained the age of thirty years.

Sec. 3. The returns of every election for the officers named in the foregoing section, shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Secretary of State, who shall lay the same before the General Assembly, at their first meeting thereafter, when they shall open, publish and declare the result thereof, in the presence of a majority of the members of both Houses. The person having the highest number of votes shall be declared duly elected, and a certificate thereof given to such person, signed by the presiding officers of both bodies; but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both Houses.

Sec. 4. The supreme executive power shall be vested in a Governor.

Sec. 5. He may require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

Sec. 6. He shall communicate at every session, by message, to the General Assembly, the condition of the affairs of the State, and recommend such measures as he shall deem expedient for their action; but the reading of a bill by sections on its final passage, shall in no case be dispensed with; and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

Sec. 7. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both Houses, when assembled, the purposes for which they were convened.

Sec. 8. In case of disagreement between the two Houses, in respect to the time of adjournment, he shall have power to adjourn the General Assembly to such time as he may think proper, but not beyond the regular meeting thereof.

Sec. 9. He shall be commander-in-chief of the military in the State, except when they shall be called into the service of the United States.

Sec. 10. The pardoning power shall be vested in the Governor, under such regulations and restrictions, as may be prescribed by law.

Sec. 11. There shall be a seal of the State, the device of which shall be fixed upon by the Governor and other State officers, to be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of Kansas."

Sec. 12. All grants and commissions shall be used in the name and by the authority of the State of Kansas, sealed with the great seal, signed by the Governor, and countersigned by the Secretary of State.

Sec. 13. No member of either House of Congress, or other persons holding office under the authority of this State, or of the United States, shall execute the office of Governor except as herein provided.

Sec. 14. In the case of death, impeachment, resignation, removal, or other disability of the Governor, the Lieutenant Governor shall exercise the duties of the office of Governor, until another Governor shall be duly qualified; but in such case another Governor shall be chosen at the next annual election for members of the General Assembly, unless such death, resignation, impeachment, removal or other disability shall occur within three calendar months immediately preceding such next annual election, in which case a Governor shall be chosen at the second succeeding annual election for members of the General Assembly, and in case of the death, impeachment, resignation, removal, or other disability of the Lieutenant Governor, the President of the Senate *pro tem* shall exercise

the office of Governor until a Governor shall be duly qualified as aforesaid.

Sec. 15. The Lieutenant Governor shall be President of the Senate, and shall vote only when the Senate is equally divided, and shall be entitled to the same pay as the Speaker of the House of Representatives; and in case of his death, impeachment, resignation, removal from office, or when he shall exercise the office of Governor, the Senate shall choose a President *pro tem*.

Sec. 16. Should the office of Secretary of State, Treasurer, Auditor, or Attorney General become vacant, for any of the causes specified in the fourteenth and fifteenth sections, the Governor shall fill the vacancy or vacancies until the disability is removed or a successor is elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after such vacancy shall have occurred, and the person chosen shall hold the office for the full term fixed in the second section of this article.

Sec. 17. The officers mentioned in this article shall, at stated times, receive for their services compensation to be fixed by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

Sec. 18. The officers of the Executive Department, and of the public State Institutions shall at least ten days preceding each regular session of the General Assembly, severally report to the Governor, who shall transmit the same to the General Assembly.

Sec. 19. Every bill which shall have passed both Houses shall be presented to the Governor. If he approve, he shall sign the same; but if he shall not approve, he shall return it with his objections to the house in which it shall have originated, who shall enter the objections at large upon the journal, and proceed to reconsider the same. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which, likewise, it shall be reconsidered, and if approved by two-thirds of that House, it shall be a law. But in such cases the votes of both Houses shall be determined by Yeas and Nays, and the names of the persons voting for or against the bill shall be entered upon the journals of the House respectively. If any bill shall not be returned by the Governor within five days (Sundays excepted), after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevented its return, in which case it shall also be a law, unless sent back within two days after the next meeting.

Sec. 20. Contested elections for Governor, Lieutenant Governor, Judges of the Supreme Court, and all other State officers, shall be determined by the General Assembly in such manner as may be prescribed by law.

Sec. 21. The General Assembly shall have power to provide by law for the election of a Surveyor General, State Geologist, and Superintendent of Common Schools, whose duties shall be prescribed by law.

ARTICLE VI.—JUDICIAL.

SECTION 1. The Judicial power of the State shall be vested in a Supreme Court, Courts of Common Pleas, Justices of the Peace, and in such other Courts inferior to the Supreme Court as the General Assembly may establish.

Sec. 2. The Supreme Court shall consist of three Judges, a majority of whom shall form a quorum. It shall have such original and appellate jurisdiction as may be provided by law. It shall hold at least one term each year at the seat of Government, and such other Terms as may be provided by law. The Judges of the Supreme Court shall be elected by the electors of the State at large.

Sec. 3. The State shall be divided by the first General Assembly under this Constitution into three Common Pleas Districts of Compact Territory, bounded by County lines; and as nearly equal in population as practicable; and a Judge for each District shall be chosen by the electors thereof, and their term of office shall be for three years.

Sec. 4. The Courts of Common Pleas shall consist of one Judge each, who shall reside within the district for which he is chosen during his continuance in office.

Sec. 5. The jurisdiction of the Court of Common Pleas and of the Judges thereof, shall be fixed by law.

Sec. 6. A competent number of Justices of the Peace shall be elected by the electors of each township of the several counties. The term of office shall be three years, and their powers and duties shall be fixed by law.

Sec. 7. All Judges, other than those provided for in the Constitution, shall be elected by the electors of the Judicial district for which they may be created, but not for a longer term of office than three years.

Sec. 8. The Judges of the Supreme Court shall immediately after the first election under this Constitution, be classified by lot, so that one shall hold for the term one year, one for the term of three years; and all subsequent elections the term of each of said Judges shall be for three years.

Sec. 9. In case the office of any Judge should become vacant before the expiration of the term for which he was elected, the vacancy shall be filled by appointment by the Governor, until a successor shall be elected for the residue of the unexpired term, at the first annual election that occurs more than thirty days after such vacancy shall have happened.

Sec. 10. The Judges of the Supreme Court and of the Court of Common Pleas shall, at stated times, receive such compensation as may be provided by law, which shall not be increased nor diminished during their term of office; but they shall receive no fees or perquisites, nor hold any other office of profit and trust under the State, other than a judicial office.

Sec. 11. The General Assembly may increase or diminish the number of the Judges of the Supreme Court, the number of the districts of the Courts of Common Pleas, the number of Justices in any district, or establish other courts whenever two-thirds of the members elected to each House shall concur therein; but no such

change, addition, or diminution shall vacate the office of any Judge.

Sec. 12. There shall be elected in each county, by the electors thereof, one Clerk of the Court of Common Pleas, who shall hold his office for the term of three years, and until his successor shall be elected and qualified.

Sec. 13. The General Assembly shall provide by law for the speedy publication of the decisions of the Supreme Courts made under this Constitution.

Sec. 14. The Supreme Court shall, upon the decision of every case, give an opinion in writing of each question arising in the record in such case and the decision of the Court thereon.

Sec. 15. There shall be elected by the voters of the State a Clerk and a Reporter for the Supreme Court, who shall hold their offices for three years, and whose duties shall be prescribed by law.

Sec. 16. Judges may be removed from office by concurrent resolution of both Houses of the General Assembly, if two-thirds of the members elected to each House concur therein; but no such removal shall be made except upon complaint, the substance of which shall be entered upon the journal, nor until the party thereof charged shall have had notice thereof, and an opportunity to be heard.

Sec. 17. The several Judges of the Supreme Court, of the Court of Common Pleas, and of such other courts as may be created by law, shall respectively have and exercise such power and jurisdiction, as chambers or otherwise, as may be provided by law.

Sec. 18. The style of all processes shall be "The State of Kansas." All processes shall be carried on in the name and by the authority of the State of Kansas, and all indictments shall conclude "Against the peace and dignity of the State of Kansas."

ARTICLE VII.—EDUCATION.

SECTION 1. The principal of all funds arising from the sale or other disposition of lands or other property granted or entrusted to this State, for educational and religious purposes, shall forever be preserved inviolate and undiminished, and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations.

Sec. 2. The General Assembly shall make such provision, by taxation or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State; but no religious or other sect or sects shall ever have any exclusive right to, or control of, any part of the school fund of this State.

Sec. 3. The General Assembly may take measures for the establishment of a University with such branches as the public convenience may hereafter demand, for the promotion of literary instruction.

Sec. 4. Provision may be made by law for the support of normal schools with suitable libraries, and scientific apparatus.

ARTICLE VIII.—PUBLIC INSTITUTIONS.

SECTION 1. It shall be the duty of the General Assembly, at as early a date as possible to provide State Asylums for the benefit, treatment, and instruction of the blind, deaf and dumb, and insane.

Sec. 2. The General Assembly shall make provision for the establishment of an Asylum for idiots, to be regulated by law.

Sec. 3. The respective counties of the State shall provide in some suitable manner for those inhabitants, who by reason of age, infirmity or other misfortune, may have claims upon the sympathy and aid of society; under provision to be made by the laws of the General Assembly.

Sec. 4. The General Assembly shall make provision for the establishment of houses of Refuge for the correction, reform and instruction of juvenile offenders.

Sec. 5. It shall be the duty of the General Assembly to make provision as soon as possible for a State General Hospital.

ARTICLE IX.—PUBLIC DEBT AND PUBLIC WORKS.

SECTION 1. No money shall be paid out of the Treasury except in pursuance of an appropriation by law.

Sec. 2. The credit of the State shall never be given or loaned in aid of any individual association or corporation.

Sec. 3. For the purpose of defraying extraordinary expenditures, the State may contract public debts, but such debts shall never in the aggregate exceed one hundred thousand dollars, unless authorized by a direct vote of the people at a general election. Every such debt shall be authorized by law, and every such law shall provide for the payment of the annual interest of such debt, and the principal within ten years from the passage of such law; and such appropriation shall not be repealed until the principal and interest shall have been wholly paid.

Sec. 4. The Legislature may also borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or repayment of the debts thereby created.

Sec. 5. No scrip, certificate, or other evidence of State debt whatever, shall be issued, except for such debts as are authorized by third and fourth sections of this article.

ARTICLE X.—MILITIA.

SECTION 1. The militia shall consist of all able bodied white male persons between the ages of eighteen and forty years, except such as may be exempt by the laws of the United States, or of this State, and shall be organized, officered, armed, equipped, and trained, in such manner as may be provided by law.

Sec. 2. The Governor shall appoint the Adjutant, Quarter-Master and Commissary General.

Sec. 3. All militia officers shall be commissioned by the Governor and shall hold their offices no longer than three years.

Sec. 4. The General Assembly shall determine the method of dividing the militia into divisions, brigades, regiments, battalions, and companies, and fix the rank of all officers.

Sec. 5. The militia may be divided into classes, in such manner as shall be prescribed by law.

Sec. 6. No person shall be appointed to bear arms shall be compelled to do military duty; but such